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| APPLICATION NO. | DATE       | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|----------------------|---------------------|------------------|
| 10/849,727      | 05/20/2004 | Najeh Rahman*        | 78012/63            | 7435             |

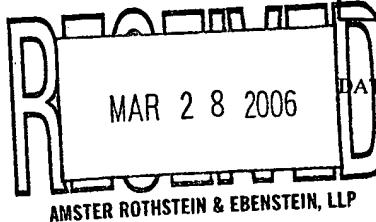
1912 7590 03/24/2006

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVENUE  
NEW YORK, NY 10016

EXAMINER

WARD, JOHN A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2875     |              |



DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US 6,334,694).

Regarding claims 1 and 6-10, Huang discloses collapsible Christmas tree having a wheel like base 10, a base rim 12, a base hub 111, a plurality of spaced hanger engagement means 113, a wheel like hanger, a hanger rim 25, a hanger hub 252, a plurality of spaced apart hanger engagements 251, a pole means 20, a light set 50, common means 30, a plurality of flexible light strings 51 extending therefrom (figure 4) and means for releasably manually securing the free end of each of the light strings extending downwardly 10.

Regarding claim 2, Huang shows a tree topper 40.

Regarding claim 5, the common means 30 is secure to the hanger rim and base engagement.

Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US 6,334,694).

Regarding claims 17 and 18, Huang discloses a wheel like base 10 having a base rim 12, a base hub 111, a plurality of spaced hanger engagement means 113, a

wheel like hanger, a hanger rim 25, a hanger hub 252, a plurality of spaced apart hanger engagements 251, a pole means 20, a light set 50, common means 30, a plurality of flexible light strings 51 extending therefrom (figure 4) and means for releasably manually securing the free end of each of the light strings extending downwardly 10.

Huang does not teach the method of assembly the string tree, however it is inherent to assembly the string tree as cited since each limitation is cited by the prior art of Huang and on column 1, lines 29-46 it is taught that the collapsible Christmas tree can assemble and disassemble.

### ***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang as applied to claim 1 above, and further in view of Shieh (US 6,254,250).

Regarding claims 3 and 4 Huang discloses all the limitations of the claimed invention as cited in the rejection above, but do not disclose an ornament electrically illuminatable and in electrical communication with the light set.

Regarding claims 3 and 4, Shieh ('250) discloses a light tree set having a pole 104, a base 108, a plurality of light strings 100 attached between the upper and lower pole and a decorative ornament 122 with a plural of lamps 126.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the collapsible Christmas tree of Huang with the decorative light tree set of Shieh in order of providing a decorative tree that illuminates decoratively from top to bottom.

Claims 11-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang ('250).

Regarding claims 11-14 Huang discloses all the limitations of the claimed invention as cited in the rejection of claim 1 above, but does not discloses an intermediate structure having a rim and hub.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add an intermediate structure, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art.

***St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.***

Regarding claims 19 and 20, Huang does not teach the method of assembly the string tree, however it is inherent to assembly the string tree as cited since each limitation is cited by the prior art of Huang and on column 1, lines 29-46 it is taught that the collapsible Christmas tree can assemble and disassemble.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Korb et al (US 3,704,366), Lai (US 6,458,435) and Kao (US 6,679,622) show illuminated artificial trees having a plurality of light source, base and collapsible parts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW  
March 17, 2006



JOHN ANTHONY WARD  
PRIMARY EXAMINER



PTO/SB/08B (08-03)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

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of

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|                        |              |            |
|------------------------|--------------|------------|
| Application Number     | Unknown      | 10/849,727 |
| Filing Date            | Herewith     |            |
| First Named Inventor   | Najeh Rahman |            |
| Art Unit               | Unknown      | 2875       |
| Examiner Name          | Unknown      | WARD       |
| Attorney Docket Number | 78012/63     |            |

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------|-----------------------|---|----------------|
| JAW                |                       | Adams Manufacturing Catalog, "Holiday Decoration Accessories" See Christmas Eaves Tree Kit on p. 4  |                |
| JAW                |                       | Photographs of Christmas String Tree assembled from kit from Grand Asia Electric Co., Ltd. of Zhongshan, Gaungdong, China   |                |
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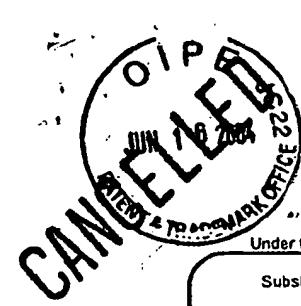
|                    |   |                 |           |
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| Examiner Signature |  | Date Considered | 3-17-2006 |
|--------------------|---|-----------------|-----------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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(Use as many sheets as necessary)

Sheet 1 of 1

Sheet 1 of 1

| Complete if Known      |              |
|------------------------|--------------|
| Application Number     | 10/849,727   |
| Filing Date            | May 20, 2004 |
| First Named Inventor   | Najeh Rahman |
| Art Unit               | Unknown 2875 |
| Examiner Name          | Unknown WARD |
| Attorney Docket Number | 78012/63     |

**U. S. PATENT DOCUMENTS**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to the Director of the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450 on the date which appears below.

Name: NEAL L. ROSENBERG  
Signature: Neal L. Rosenberg  
Date: 6-21-06

## FOREIGN PATENT DOCUMENTS

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Translation is attached.  
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SEP 15 2006

## Notice of References Cited

|                                       |  |                  |
|---------------------------------------|--|------------------|
| Application/Control No.<br>10/849,727 | Applicant(s)/Patent Under Reexamination<br>RAHMAN, NAJEH |                  |
|                                       | Examiner<br>John A. Ward                                 | Art Unit<br>2875 |

Page 1 of 1

### U.S. PATENT DOCUMENTS

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name                | Classification |
|---|---|--|-----------------|---------------------|----------------|
| * | A | US-3,704,366                                     | 11-1972         | Korb et al.         | 362/123        |
| * | B | US-6,254,250                                     | 07-2001         | Shieh, Whiter       | 362/123        |
| * | C | US-6,334,694                                     | 01-2002         | Huang, Shun-Feng    | 362/123        |
| * | D | US-6,458,435                                     | 10-2002         | Lai, Jimmy Kam-Wing | 428/20         |
| * | E | US-6,679,622                                     | 01-2004         | Kao, Cheung Chong   | 362/567        |
|   | F | US-  |                 |                     |                |
|   | G | US-  |                 |                     |                |
|   | H | US-  |                 |                     |                |
|   | I | US-  |                 |                     |                |
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